APPENDIX

1. *California Corporations Code,* as in effect at times in question:

"Sec. 6400. A foreign corporation shall not transact intrastate business in this State until it has filed with the Secretary of State a copy of its articles * * *."

"Sec. 6403. A foreign corporation shall not transact intrastate business in this State until it has also filed with the Secretary of State a statement setting forth all of the following:

"(a) The location and address of its principal office.

"(b) The location and address of its principal office within this State.

"(c) The name of some person residing within the State upon whom process directed to the corporation may be served, and his complete business or residence address, which shall be in the county in which the principal office of the corporation in this State is located.

"(d) Its irrevocable consent to service of process directed to it upon the person designated, and to service of process on the Secretary of State, if the agent so designated or his successor is no longer authorized to act or cannot be found at the address given."

"Sec. 6501. If the agent for the service of process designated cannot be found * * * or if no person has been designated * * * then service shall be made by delivery to the Secretary of State or to an assistant or deputy Secretary of State * * *."

"Sec. 6502. * * * Upon receipt of the process and his fee therefor the Secretary of State forthwith shall give notice to the corporation by telegraph, charges prepaid, both to its principal or home office and to its principal office in the State, of the service of the process, and shall forward to each office by registered mail, a copy of the process. * * *"

2. *Federal Food, Drug and Cosmetic Act* (Act of June 25, 1938, c. 675, 52 Stat. 1040, 21 U.S.C. Sec. 301, et seq.):

Sec. 301 (21 U.S.C. Sec. 331):

"The following acts and the causing thereof are hereby prohibited:

"(a) The introduction or delivery for introduction into interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded.

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"(d) The introduction or delivery for introduction into interstate commerce of any article in violation of section 404 or 505.

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Sec. 303 (21 U.S.C., Sec. 333):

"(a) Any person who violates any of the provisions of section 301 shall be guilty of a misdemeanor * * *.

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"(c) No person shall be subject to the penalties of subsection (a) of this section * * * (2) for having violated section 301 (a) or (d), if he establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the article, to the effect, in case of an alleged violation of section 301 (a), that such article is not adulterated or misbranded, within the meaning of this Act, designating this Act, or to the effect, in case of an alleged violation of section 301 (d), that such article is not an article which may not, under the provisions of section 404 or 505, be introduced into interstate commerce;"

3. *Miller-Tydings Amendment to the Sherman Act* (as in effect during the times in question), 50 Stat. 693, 15 U.S.C., Sec. 1:

"* * * PROVIDED, That nothing herein contained shall render illegal, contracts or agreements prescribing minimum prices for the resale of a commodity which bears, or the label or container of which bears, the trade mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, when contracts or agreements of that description are lawful as applied to intrastate transactions, under any statute, law, or public policy now or hereafter in effect in any State, Territory, or the District of Columbia in which such resale is to be made, or to which the commodity is to be transported for such resale * * *."

4. *California Fair Trade Act* (Business and Professions Code, Sec. 16902):

"(a) No contract relating to the sale or resale of a commodity which bears, or the label or container of which bears, the trademark, brand, or name of the producer or owner of such commodity and which is in fair and open competition with commodities of the same general class produced by others violates any law of this State by reason of any of the following provisions which may be contained in such contract:

"(1) That the buyer will not resell such commodity except at the price stipulated by the vendor * * *."

5. *The California provisions referred to in the section relating to jurisdiction:*

Constitution, Art. VI, Sec. 4(c):

"The Supreme Court shall have power * * * to order any cause pending before a district court of appeal to be heard and determined by the Supreme Court. * * *

Constitution, Art. VI, Sec. 1(a):

"* * * The Judicial Council shall from time to time: * * * (5) adopt or amend rules of practice and procedure for the several courts not inconsistent with laws that are now or that may hereafter be in force * * *."

Code of Civil Procedure, Sec. 961:

"The Judicial Council shall have the power to prescribe by rules for the practice and procedure on appeal * * * in all civil actions and proceedings in all courts of this State * * *"

Rules on Appeal, Rule 28:

"(a) Within * * * 60 days in other [non-criminal] causes, after the filing of a decision of the District Court of Appeal, the Supreme Court, on its own motion, or on petition, may order the cause transferred to itself for hearing and decision.

"(b) A party seeking a hearing must serve and file a petition therefor within * * * 40 days in other [non-criminal] causes, after the filing of the decision of the District Court of Appeal."